

**Board of Chosen Freeholders
Morris County, New Jersey**

Resolution No. 27*

Adopted December 10, 2014

**RESOLUTION AUTHORIZING THE PRIVATE SALE OF SURPLUS PROPERTY
BY THE COUNTY OF MORRIS KNOWN AS BLOCK 10103, LOT 2 IN THE
TOWNSHIP OF MORRIS, COUNTY OF MORRIS**

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes local governmental units to sell real property owned by a governmental unit, not needed for public use, by private sale, to the owner of the real property contiguous to the real property being sold provided that the property being sold is less than the minimum size required for development under the municipality's zoning ordinance and is without any capital improvement thereon; and

WHEREAS, the sale price shall be for not less than the fair market value of said real property; and

WHEREAS, the County of Morris is the owner of real property identified as Block 10103, Lot 2 in the Official Tax Maps of the Township of Morris, more commonly known as 43 John Street, Morris Township, Morris County, New Jersey ("Property"); and

WHEREAS, the Property is a vacant lot with no capital improvements thereon, currently being used as a parking lot; and

WHEREAS, the County of Morris has determined that the Property is not needed for public use; and

WHEREAS, an appraisal report prepared for the Property determined that the Property's fair market value is forty-three thousand three hundred dollars (\$43,300.00), that the Property is

less than the minimum size required for development under the municipality's zoning ordinance;
and

WHEREAS, the Governing Body has determined that the list of property authorized to be sold pursuant to this Resolution and N.J.S.A. 40A:12-13(b)(5) is: Block 10103, Lot 2 in the Official Tax Maps of the Township of Morris (Lot size is approximately 3,607 square feet) at a minimum price of \$43,300.00, said amount being not less than fair market value; and

WHEREAS, the County of Morris will post a listing of the prospective sale of the property located at 43 John Street, Morris Township, New Jersey within five days of the enactment of this Resolution; and

WHEREAS, the County of Morris shall also advertise the prospective sale of the property located at 43 John Street, Morris Township, New Jersey in a newspaper circulating the municipality wherein the Property is located; and

WHEREAS, the County of Morris invites prospective purchasers, their real estate brokers or their authorized representatives to submit offers to purchase the property located at 43 John Street, Morris Township, New Jersey at the minimum price specified herein for twenty (20) days; and

WHEREAS, the County of Morris reserves its right to reconsider its decision to privately sell the property located at 43 John Street, Morris Township, New Jersey within thirty (30) days of enactment of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Morris that the County of Morris is authorized to sell the above described property in accordance with the terms of this Resolution and as follows:

Section 1.

(a) The Governing Body hereby declares that the Property is no longer needed for public use and should be sold in accordance with N.J.S.A. 40A:12-1, et seq.

(b) The Governing Body hereby authorizes the Clerk of the Board to post a list of the Property for sale, along with the minimum price of the sale, on a bulletin board or other conspicuous space in the building in which the Governing Body usually holds its regular meetings within five (5) days of enactment of this Resolution.

(c) The Governing Body hereby authorizes the Clerk of the Board to advertise the sale of the Property, at the minimum price of \$43,300.00, within five (5) days of enactment of this Resolution in a newspaper circulating in the municipality in which the Property is located.

(d) Prospective purchasers, their real estate brokers or their authorized representatives may submit offers to purchase the Property on or before January 5, 2015. Any offers for purchase shall serve as consideration for whether the County of Morris should continue with the private sale or sell the Property through a public auction.

(e) The sale, if not canceled, shall take place by Agreement to Purchase and Sell Real Estate, entered into between the County of Morris and the purchaser.

(f) Any person submitting an offer on behalf of a corporation or limited liability company must either submit a copy of a resolution of the corporation/company or a letter on corporate stationery, signed by an officer of the corporation, authorizing the individual to make an offer on the Property on the corporation's behalf. A person bidding on behalf of a partnership or using a trade name must submit a copy of the certificate of trade name and a letter of authorization from the other partners.

(g) In the event the County of Morris is unable to convey marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the County will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a quitclaim deed by the purchaser from the County shall extinguish any claims that said purchaser may have against the County in connection with the quality of title conveyed.

(h) The Property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The County of Morris makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold "as is." The County does not make any representations, express or implied, that the Property is buildable or usable for any purpose whatsoever.

(i) The County of Morris represents that the Property which is the subject matter of this Resolution is a non-conforming parcel by virtue of the zoning ordinance requirements of the Township of Morris. If sold to a contiguous property owner, this Property will merge with and become a part of the lot owned by the purchaser that is contiguous to this Property. The sale of this property by the County of Morris shall in no way be construed as an indication that a construction permit can be secured for the property.

(j) All conveyances by the County of Morris shall be made by quitclaim deed.

(k) The successful purchaser shall indemnify and hold the County of Morris harmless from any claim whatsoever arising out of the County's ownership interest including but not limited to environmental cleanup costs.

Section 2. NOTICE. The Clerk of the Board shall post a list of the Property for sale at the minimum price of \$43,300.00 and also advertise the private sale as required by N.J.S.A. 40A:12-13(b)(5). A copy of this Resolution shall also be sent by the Clerk of the Board to the contiguous property owner.

Section 3. AUTHORIZATION. The Freeholder Director, Clerk of the Board, County Counsel, Special County Counsel, and such other officials as may be necessary are authorized to prepare and execute a deed and all other necessary documents to convey the Property to the purchaser, subsequent to the Governing Body adopting a resolution conveying and discharging its interest therein.

Section 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution, which shall otherwise remain in full force and effect.

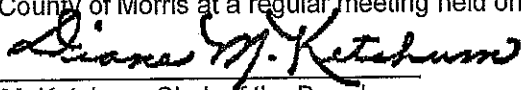
Section 5. REPEALER. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. EFFECTIVE DATE. This Resolution shall take effect after final passage as provided by law.

BE IF FURTHER RESOLVED that the Clerk of the Board of Chosen Freeholders and the County Counsel's office may take all steps required to effectuate the intent and purpose of this resolution.

BE IT FURTHER RESOLVED that the Clerk of the Board shall forward a certified true copy of this Resolution to John A. Napolitano, Special County Counsel; Cleary Giacobbe Alfieri Jacobs, LLC; and Daniel O'Mullen, Esq., Morris County Counsel.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Morris at a regular meeting held on December 10, 2014.


Diane M. Ketchum, Clerk of the Board